REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-52 are pending. Claims 1-52 stand rejected.

Claims 1, 11, 14-16, 18, 19, and 28 have been amended. No claims have been cancelled. No claims have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicant submits that the amendments do not add new matter.

Objections to the Amendment

The amendment filed February 10, 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure.

The Examiner stated

> In claim 11, the added limitation that updates the DSP boot program are searched for "when a format of an audio file changes" in line 4 of claim 11 introduces new matter."
>
> In claim 18, the added limitation that the function of an entry code related to a user request entered by a keypad "is determined out of a plurality of functions, which includes...providing a karaoke feature" is new matter.

(Office Action p. 3, 06/01/05).

Applicant has amended claims 11 and 18 to overcome the Examiner's objection.

Claim Objections

The Examiner stated that

> The amendments to the claims overcome the claim objections made in the previous office action. However, currently amended claim 28 is objected to for the following informalities: in line 10 of the claim, "the output port" lacks antecedent basis. Therefore, "the output port" should be –the input/output port.

(Office Action, p. 8, 06/01/05)

Applicant has amended claim 28 to overcome the Examiner's objection.

Rejections Under 35 U.S.C. § 112

The Examiner has rejected claims 11 and 18 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicant, as set forth above, has amended claims 11 and 18 to overcome the Examiner's objection.

Rejections Under 35 U.S.C. § 102

Claims 18, 19, and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,675,233 of Du et al. ("Du").

Applicant has amended claim 18 to specifically point out that processing the audio file is performed according to the function determined at the audio device, wherein the function is selected from the group consisting of recording sound to the primary device's storage location, or providing a karaoke feature while the primary device is in the power saving mode. The processing the audio file is performed on the primary device's storage location, which is attached to a primary device.

The Examiner stated that Du does not disclose recording sound to the storage location attached to the primary device and providing a karaoke feature while the primary device is in the power saving mode.

Du merely discloses playing audio files from the storage location and does not disclose processing the audio file on the primary device's storage location attached to a primary device according to the function determined at the audio device, wherein the function is selected from the group consisting of recording sound to the primary device's storage location, and providing a

karaoke feature while the primary device is in the power saving mode, as recited in amended claim 18.

Because Du does not set forth all the limitations of amended claim 18, Applicant respectfully submits that amended claim 18 is not anticipated by Du under 35 U.S.C. § 102(e).

Given that claims 20-27 depend, either directly or indirectly, on amended claim 18, and add additional limitations, Applicant respectfully submits that claims 20-27 are likewise not anticipated by Du under 35 U.S.C. § 102(e).

Applicant has amended claim 19 to include limitations of independent claim 18. Applicant specifically points out determining the format, name, and location of the audio file for which the play request has been made and transmitting the format, name, and location of the audio file to a DSP.

Amended claim 19 reads as follows

> A method of processing an audio file located on a primary device's storage location comprising:
> accepting a user request at a keypad;
> converting the user request to an entry code;
> transmitting the entry code to an audio device;
> determining the function of the entry code at the audio device; and
> processing the audio file on the primary device's storage location, ~~The method of claim 18~~ wherein processing the audio file on the primary device's storage location comprises
> accepting a user request to play an audio file from a storage location, where the storage location is attached to the primary device;
> transmitting the user request to play an audio file to a micro-controller;
> <u>determining the format, name, and location of the audio file for which the play request has been made</u>;
> <u>transmitting the format, name, and location of the audio file to a DSP</u>; and
> notifying the DSP that it is time to start playing the audio file.

(Amended claim 18) (emphasis added)

Du discloses a controller to play MP3 audio files (col. 5, line 67 to col. 5, line 50) while the primary device is off. The controller has a decoder that decodes audio data according to a decoder algorithm stored either in a flash memory, or in the decoder. More specifically, Du discloses

> Decoder circuitry 56 comprises a stream audio decoder 58, buffer memory 60 and either an internal audio DAC 62, or a DAC interface 64 for communicating with an external audio DAC 26. Stream audio decoder 58 receives streaming audio data from memory 50 and decodes the data according to a decoder algorithm stored therein. Alternatively, a decoder algorithm may be stored in flash memory 52, loaded into memory 50 upon activation of the controller, and supplied to the decoder 58. Either way, it is preferable to permit users to update/modify the decoding algorithm. Accordingly, it is preferable that memory 52 or decoder 58 stores an updatable version of the decoder algorithm. In the preferred embodiment, decoder 58 is an MP3 audio file decoder.

(Du, col. 5, lines 23-36) (emphasis added)

In particular, Du discloses

> For example, although the controller 18 and 18' of the present invention has been described with reference to MP3 audio data, it should be readily apparent that the controller 18 and 18' is independent of the specific format of audio data, and should instead be viewed as a general-purpose audio controller capable of receiving, playing, and/or decompressing any type of audio data, not limited to MP3 format data.

(Du, col. 7, lines 11-19)

Thus, Du merely discloses that a decoding algorithm may be modified by a user, and a controller is capable of receiving, playing and/or decompressing any type of audio data, not limited to MP3 format data, in contrast to a controller determining the format of the audio file for in response to the play request, and transmitting the format, name, and location of the audio file to a DSP, as recited in amended claim 19.

Because Du does not set forth all the limitations of amended claim 19, Applicant respectfully submits that amended claim 19 is not anticipated by Du under 35 U.S.C. § 102(e).

Rejections Under 35 U.S.C. § 103

Claims 1-10, 19, 20, 22-24, 26-34, and 36-52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Du, in view of U.S. Patent No. 6,791,481 of Altare et al. ("Altare"). Claims 11-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Du, in view of U.S. Patent No. 6,754,895 of Bartel et al. ("Bartel"). Claims 21 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Du, in view of Altare, in further view of U.S. Patent No. 6,278,048 of Lee ("Lee").

Applicant has amended claim 1 to indicate recording voice or sound to the storage location attached to the primary device, while the primary device is in the power saving mode.

The Examiner stated that Du does not disclose recording voice or sound to the storage location attached to the primary device, while the primary device is in the power saving mode.

Altare discloses a portable CD-ROM and MP3-recorder/player. More specifically, Altare discloses

> The MP3 encoded data is passed though the file management unit MPU 31--a custom chip for which may be substituted for purposes of the present invention a microprocessor--first to the buffer Memory 32, which is preferably of the FLASH or DRAM types. When the buffer Memory 32, which is preferably 64K or larger in size, becomes filled, then its contents (such as are then selected for permanent recording) are moved en masse through and by the MPU 31 to the Hard Disk 30, which is preferably of the Winchester type, and is more preferably a magnetic disk of 10 Gbyte or greater capacity.

(Altare, col. 10, lines 31-41) (emphasis added)

Altare, as shown in Figures 1-4, discloses a hard disk 30 connected to a microprocessor MPU 31, and not to a primary device, as claimed in amended claim 1. Additionally, Altare discloses that the encoded MP3 data selected for recording are moved through and by the microprocessor to a hard disk, in contrast to recording audio files to a hard disk attached to the

primary device, while the primary device is in a power saving mode, as claimed in amended claim 1.

Thus, neither Altare, nor Du discloses, teaches, or suggests the limitations of amended claim 1 of recording audio files to the storage location attached to the primary device, while the primary device is in the power saving mode.

It is respectfully submitted that Du does not teach or suggest a combination with Altare and Altare does not teach or suggest a combination with Du. Furthermore, it is respectfully submitted that if the microprocessor of Altare was powered off, as the Examiner suggested, the encoded MP3 data will not be moved to the hard dick, and the recorder device of Altare will not operate.

Therefore, it would not have been obvious to one of ordinary skill in the art at the time of invention to modify Du to also record audio files in addition to playing back audio files while the primary device was in power saving mode.

Therefore, Applicant respectfully submits that amended claim 1 is not obvious under 35 U.S.C. § 103 (a) over Du in view of Altare.

Given that amended independent claims 18 and 28 contain at least the discussed above limitations of amended claim 1, Applicant respectfully submits that claims 18 and 28 are not obvious under 35 U.S.C. § 103 (a) over Du in view of Altare.

Given that claims 2-10, 20-27, and 29-52 depend from amended independent claims 1, 18, and 28 and add additional limitations, Applicant respectfully submits that claims 2-10, 20-27, and 29-52 are likewise not obvious under 35 U.S.C. § 103 (a) over Du in view of Altare.

With respect to amended claim 19, as discussed above, Du fails to disclose determining the format, name, and location of the audio file for which the play request has been made and transmitting the format, name, and location of the audio file to a DSP.

Altare merely discloses encoding the wave form into MP3 format, or to WMA format col. 12, lines 62-col.13, line 6), and similarly to Du, fails to disclose determining the format, name, and location of the audio file for which the play request has been made and transmitting the format, name, and location of the audio file to a DSP.

Therefore, Applicant respectfully submits that amended claim 19 is not obvious under 35 U.S.C. § 103 (a) over Du in view of Altare.

Claims 11-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Du, in view of U.S. Patent No. 6,754,895 of Bartel et al. ("Bartel").

Applicant has amended claim 11 to particularly point out checking a vector table to determine whether to read the boot program to be loaded to the DSP from a ROM, SRAM, or a combination of both.

Amended claim 11 reads as follows.

> A method comprising:
> searching a storage location for a digital signal processor (DSP) boot program;
> providing the DSP with the boot program;
> searching for updates to the DSP boot program ~~when a format of an audio file changes; and~~
> providing the DSP with the updates for the DSP boot program, and
> checking a vector table to determine whether to read the boot program to be loaded to the DSP from a ROM, SRAM, or a combination of both

(Amended claim 11) (emphasis added)

As set forth above, Du merely discloses permitting users to update/modify the decoding algorithm and storing an updatable version of the decoder algorithm in a flash memory or in a decoder. The Examiner acknowledged that Du "does not disclose searching for updates to the

DSP boot program and providing the DSP with updates for the DSP boot program" (Office Action, p. 22, 06/01/05). Additionally, Du fails to disclose checking a vector table to determine whether to read the boot program to be loaded to the DSP from a ROM, SRAM, or a combination of both.

Bartel discloses a method for updating a firmware of a hand held device. In particular, Bartel merely discloses checking a nonvolatile memory area to determine whether the update flag has been set in contrast to checking a vector table to determine whether to read the boot program to be loaded to the DSP from a ROM, SRAM, or a combination of both, as set forth in amended claim 11.

Thus, neither Du, nor Bartel discloses, teaches, or suggests the limitations of amended claim 11 of checking a vector table to determine whether to read the boot program to be loaded to the DSP from a ROM, SRAM, or a combination of both.

Therefore, Applicant respectfully submit that amended claim 11 is not obvious under 35 U.S.C. § 103 (a) over Du in view of Bartel.

Given that claims 12-17 depend from amended claim 11, and add additional limitations, Applicant respectfully submits that claims 12-17 are likewise not obvious under 35 U.S.C. § 103 (a) over Du in view of Bartel.

Claims 21 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Du, in view of Altare, in further view of Lee.

With respect to amended claim 18, as set forth above, Du fails to disclose the limitations of amended claim 18 of processing the audio file on the primary device's storage location, which is attached to a primary device, according to the function determined at the audio device, wherein the function is selected from the group consisting of recording sound to the primary

device's storage location, and providing a karaoke feature while the primary device is in the power saving mode.

Altare, as discussed above, merely discloses recording audio files on a hard disk by a microprocessor, which is connected to a primary device and does not disclose recording sound to the storage location attached to a primary device while the primary device is in the power saving mode.

The Examiner stated " Du et al. and Altare et al. do not disclose accepting sound in the microphone while the audio files is playing" (Office Action, p. 24, 06/01/05).

Du and Altare also fail to disclose providing a karaoke feature while a primary device is in the power saving mode, as recited in amended claim 18.

Lee discloses a portable MP3 karaoke player. Lee, as shown in Figure 1, discloses a microprocessor in ASIC 3 connected to a sound module 1 that stores tunes. In particular, Lee discloses that the microprocessor in the ASIC 3 outputs an accompaniment sound stored in the sound module 1 (col. 3, lines 60-65) in contrast to providing a karaoke feature from a storage location attached to a primary device, while the primary device is in the power saving mode.

It is respectfully submitted that Du does not teach or suggest a combination with Altare and Lee, Altare does not teach or suggest a combination with Du and Lee, and Lee does not teach or suggest a combination with Du and Altare. Furthermore, it is respectfully submitted that if the microprocessor of Lee was powered off, as the Examiner suggested, the karaoke features will not be provided, and the karaoke device of Lee will not operate.

Thus, neither Du, Altare, nor Lee discloses the limitations of amended claim 18 of providing a karaoke feature from a storage location attached to a primary device, while the primary device is in the power saving mode.

Consequently, even if Du, Altare, and Lee were combined, such a combination would lack such limitations of amended claim 18.

Therefore, Applicant respectfully submit that amended claim 18 is not obvious under 35 U.S.C. § 103 (a) over Du in view of Altare and further in view of Lee.

Given that claim 21 depends from amended claim 18, and add additional limitations, Applicant respectfully submits that claim 21 is likewise not obvious under 35 U.S.C. § 103 (a) over Du in view of Altare and further in view of Lee.

With respect to amended claim 28, as discussed above, neither Du, Altare, nor Lee discloses a DSP coupled to the gateway, the DSP to write to user files to the storage location attached to a primary device when the primary device is in the power saving state.

Therefore, Applicant respectfully submit that amended claim 28 is not obvious under 35 U.S.C. § 103 (a) over Du in view of Altare and further in view of Lee.

Given that claim 35 depends from amended claim 28, and add additional limitations, Applicant respectfully submits that claim 35 is likewise not obvious under 35 U.S.C. § 103 (a) over Du in view of Altare and further in view of Lee.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 9/1/2005 By: _____

James C. Scheller
Reg. No. 31,195

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300